In the interpretation of restrictions in deeds as to the character of buildings to be erected on the land conveyed, the term "dwelling" is the point at which the lines of authority diverge. Where the words "a single building," or "a single house," are used, there is no difficulty. It is the structure which is defined, and not the use to be made of it. Hence a two family flat was no violation of the restriction providing for not "more than one house to be erected on each forty foot frontage." *Pank* v. *Eaton*, 115 Mo. App. 171. And a house for two residences was allowed where "not more than one building shall be erected on a single lot," were the terms employed. *Fortesque* v. *Carroll*, 76 N. J. Eq. 583. But where the building was put up as two separate homes with a party wall between, it was held that the restriction "not more than one house shall be erected on any lot" was violated, the basis of the decision being that actually two houses had been constructed, though with but one roof. *Ilford Park Estates, Ltd.*, v. *Jacobs*, (1903), 2 Ch. 522. On the other hand, where the restriction was that no dwelling should be constructed "for more than two families," the intent was clear to prohibit a building capable of holding three families. *Ivarson* v. *Mulvey*, 179 Mass. 141. Where the term "dwelling" is involved, there is more confusion. The Michigan court is firm that "a dwelling house" means a building to accommodate but one family, and under such restriction refused to allow a double house with one entrance. *Schadt* v. *Britt*, 173 Mich. 647, 11 MICH. L. REV. 521; *Kingston* v. *Busch*, 176 Mich. 566. Massachusetts has taken a similar view, holding that the restriction "but one dwelling house shall be erected thereon" referred to use by one family, not merely to form of structure. *Powers* v. *Radding*, 225 Mass. 110. Missouri also adopts this view, and refused to allow a double house or an apartment house where not "more than one dwelling" was stipulated for. *Sanders* v. *Dixon*, 114 Mo. App. 229, cited and followed in *Thompson* v. *Langan*, 172 Mo. App. 64. An early and much cited case considering "dwelling" as referring to use rather than structure, is *Gillis* v. *Bailey*, 17 N. H. 18, 21 N. H. 149. The principal case is in line with the decisions that dislike restrictions on otherwise absolute conveyances of property, and limit them as strictly as possible. Illinois has allowed a four story apartment house to be put up on a lot in Chicago restricted to "a single dwelling," *Hutchinson* v. *Ulrich*, 145 Ill. 336. New York intimates a similar sentiment in *Roth* v. *Jung*, 79 N. Y. Supp. 822, in which case, however, the character of the neighborhood had changed. See also, *Reformed P. D. Church* v. *M. A. Bldg. Co.*, 214 N. Y. 268; commented upon in 13 MICH. L. REV. 694. Pennsylvania has precedent for the holding in the principal case. Where "no more than one dwelling house shall be erected or maintained on each forty foot lot," a duplex was allowed. *Hamnett* v. *Born*, 247 Pa. 418. The majority of the courts, however, seem to consider the parties' intentions rather than the population's intensity, and to use dwelling as referring to use, not structure.

TRADE MARKS AND TRADE NAMES—UNFAIR COMPETITION.—Defendant knowingly adopted as a trade mark and name for its syrup a trade mark and name extensively advertised by complainant's predecessor for its flour.

Held, that defendant could be enjoined. *Aunt Jemima Mills Co.* v. *Rigney & Co.* (C. C. A., 1917), 247 Fed. 407.

As "no one desiring to purchase flour would accept syrup without knowing the difference," the District Court (234 Fed. 804) decided that the two articles were in non-competing classes. That this test too narrowly restricted equitable relief was shown by the fact that the publication of a book on banking under the name of a firm of bankers would be enjoined although publishing and banking could not be said to be competing classes. See *British-American Tobacco Co.* v. *British-American Cigar Stores Co.,* 211 Fed. 933. That there may still be articles in non-competing classes is admitted, but they must be so distinctive that the public would not be deceived into thinking that they were made by the same firm. The tendency to deceive the public is selected as the vital factor not primarily to protect the public, but because the ability to deceive puts the first user of the trade name in the power of the second user. The close relation between pancake flour and syrup brings the instant case clearly within the rule as laid down.

WORKMEN'S COMPENSATION—RIGHT OF ALIENS TO COMPENSATION.—P, a non-resident alien, brought suit under the Workmen's Compensation Act to recover for the death of her husband, who admittedly received fatal injuries in the course of his employment by a subscriber thereunder. *Held,* that P could recover, her alienage being no bar. *In re Derinza* (Mass., 1918), 118 N. E. 942.

In Kentucky, New York, California, Oklahoma, Wisconsin, Michigan, Pennsylvania, West Virginia, and Connecticut the acts contain express provisions allowing non-resident aliens the award of compensation. On the other hand, some states expressly exclude them from the benefit of compensation. See *Gregutis* v. *Waclark Wire Works,* 86 N. J. L. 610. In the jurisdictions where there is no express provision the determination of the question would seem to depend upon the construction of the statutes. In the instant case compensation was granted to such dependents on the principle of contract; it being considered that the act holds out to every workman who accepts employment a promise that in case of his death in such employment his dependents will be compensated. According to this construction, the dependents derive their rights from and through the deceased workman. This is the accepted view so far as there is authority in point. *Krzus* v. *Crow's Nest Pass Coal Co.,* 37 A. C. 590; *Victor Chemical Works* v. *Industrial Board,* 274 Ill. 11, 19-22; *Vujic* v. *Youngstown Sheet and Tube Co.,* 220 Fed. 390, *semble.* To the effect that death statutes are generally construed to enure to alien dependents, see 19 HARV. LAW REV. 215. Certainly one of the original purposes of these Compensation Acts was to relieve the state of the burden of caring for the dependents of the deceased workman. In this view it would seem that aliens abroad, who could not possibly become a burden upon the state, should not be entitled to compensation thereunder. But see *Varesick* v. *The British Columbia Copper Co.,* 12 B. C. 286, *semble; Western Metal Supply Co.* v. *Pillsbury,* 172 Cal. 407, 416 (where the act contained an express provision).